IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4923 of 1998

Between:
B.Srinivasa Rao S/o. Rama Murthy
R/o.Gowravaram (Post) , via Bitragunta, Nellore Dist

..... PETITIONER

AND

1.The Chief Engineer,CE-I, APSRTC,Musheerabad, Hyderabad.
2.The Executive Engineer, APSRTC, Nellore.
3.The Deputy Executive Engineer, APSRTC, Ongole
4.The Vice -Chairman & Managing Director,
APSRTC, Musheerabad , Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Certiorari calling for the records and quash the impugned Order dated 12-8-1996 of the 2nd respondent passed vide proceedings No.AA/145(3)/96-97/EE(N) and appoint the petitioner as conductor forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondents: Mr.Posani Venkateswarlu

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The Court made the following Order:

This writ petition is filed challenging the impugned order 12.8.1996 passed by the 2nd respondent-Executive Engineer, APSRTC, Nellore, rejecting the case of the petitioner for appointment to the post of Conductor.

The case of the petitioner is that he worked as a casual employee for a period of six months during the year 1988-89 in the Civil Engineering unit of APSRTC and his services were terminated in the year 1989. It is the further case of the petitioner that casual employees who worked for six months in the APSRTC were provided with conductor jobs on the ground that they worked for six months with the respondent-Corporation. Since the petitioner is also similarly placed person and as he is entitled to be continued in the employment of the respondent-Corporation, he made several representations to the respondents seeking to consider his case and to provide employment. Aggrieved by the inaction of the respondents in not providing employment, the petitioner filed W.P.No.10773 of 1995. This Court by order dated 1.5.1995 disposed of the said writ petition directing the respondents to consider the claim of the petitioner in case the respondents are appointing any casual employees and if there are any such vacancies. However, the case of the petitioner was not considered. Again the petitioner filed W.P.No.2192 of 1996 and this Court by order dated 14.3.1996 disposed of the said writ petition directing the respondents to consider the case of the petitioner within a period of three months from the date of receipt of a copy of that order.

Pursuant to the said direction, the 2nd respondent-Executive Engineer, Nellore, by his proceedings dated 12.8.1996 rejected the case of the petitioner holding that the records do not indicate that the petitioner was engaged by the APSRTC. It is against this order, the present writ petition is filed.

Heard both sides.

From a perusal of the order under challenge, I am of the view that the 2nd respondent had considered the representation and assigned cogent reasons and rejected the case of the petitioner for regularization or for absorption. The 2nd respondent has observed in the impugned order that, as per the records, the petitioner was never engaged as casual employee in the Corporation and the certificates produced by him to establish the fact that he worked as casual employee in the Corporation during the years 1988-99 are not bona fide one. Therefore, I see no reason or justification to interfere with the order passed by the 2nd respondent.

The writ petition, therefore, fails and is accordingly dismissed. No costs.

23.6.2004

Gsn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Chief Engineer,CE-I, APSRTC,Musheerabad, Hyderabad.
2.The Executive Engineer, APSRTC, Nellore.
3.The Deputy Executive Engineer, APSRTC, Ongole
4.The Vice -Chairman & Managing Director,
APSRTC, Musheerabad , Hyderabad.
5.2 CCs to S.C. for APSRTC.
6.2CD copies